

From: Cruz, Sylvia@HCD | Sylvia.Cruz@hcd.ca.gov
Subject: Title Search - LBM1081
Date: January 18, 2019 at 8:17 AM
To: Jamie Gallian jamie.gallian@hcd.ca.gov

SC

Hello Ms. Gallian,

Here is the transfer information you can use to show the unit has been transferred until the original Title goes out from our Sacramento District Office.

Sylvia

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES, AND HOUSING
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS

GAVIN NEWSOM, Governor



Title Search

Date Printed: Jan 18, 2019

Decal #:	LBM1081	Use Code:	SFD
Manufacturer:	SKYLINE HOMES INC	Original Price Code:	BVH
Tradename:	CUSTOM VILLA	Rating Year:	
Model:		Tax Type:	LPT
Manufactured Date:	05/29/2014	Last ILT Amount:	
Registration Exp:		Date ILT Fees Paid:	
First Sold On:	07/28/2014	ILT Exemption:	NONE
Serial Number	HUD Label / Insignia	Length	Width
AC7V710394GA	PFS1130282	60'	15' 2"
AC7V710394GB	PFS1130281	56'	15' 2"

Registered Owner:

J-SANDCASTLE CO LLC
16222 MONTEREY LANE ROOM 376
HUNTINGTON BEACH, CA 92649

Last Title Date: 09/10/2014
Last Reg Card: Pending Reg Card
Sale/Transfer Info: Price \$175,000.00 Transferred on 11/01/2018

Situs Address:

16222 MONTEREY LN SPACE 376
HUNTINGTON BEACH, CA 92649
Situs County: ORANGE

END OF TITLE SEARCH

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES, AND HOUSING

GAVIN NEWSOM, Governor

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HUNTINGTON BEACH, CA 92649
Situs County: ORANGE

END OF TITLE SEARCH

address.

Thank you,

Sylvia

From: Jamie Gallian [<mailto:jamiegallian@gmail.com>]
Sent: Friday, January 18, 2019 7:45 AM
To: Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov>
Subject: Re: Proof of ownership request Re: Decal LBM1081
Importance: High

Thank you so much, if I can get the document prior to 8:30a, I have an exparte hearing with the Judge to try and stop the WRIT OF POSSESSION. I AM VERY GRATEFUL..

When it is ready, will or can it be emailed to my email address with a call to my cell number. Please advise.

JAMIE GALLIAN
714-321-3449

On Jan 18, 2019, at 7:41 AM, Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov> wrote:

Good morning Ms. Gallian,

The application will be done first thing this morning. I can email you a Title Search showing the unit has been transferred to J-Sandcastle CO LLC.

Thank you,

Sylvia

From: Jamie Gallian [<mailto:jamiegallian@gmail.com>]
Sent: Thursday, January 17, 2019 4:04 PM
To: Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov>
Subject: Fwd: Proof of ownership request Re: Decal LBM1081

Begin forwarded message:

From: Jamie Gallian <jamiegallian@gmail.com>



Jamie Gallian <jamiegallian@gmail.com>

Urgent Please call Proof of ownership request Re: Decal LBM1081

4 messages

From: Jamie Gallian <jamiegallian@gmail.com>
To: "Cruz, Sylvia@HCD" <Sylvia.Cruz@hcd.ca.gov>

Fri, Jan 18, 2019 at 8:26 AM

Can you call me, it is very important. I just noticed possibly an error on the title.

Jamie 714-321-3449

On Jan 18, 2019, at 8:24 AM, Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov> wrote:

Your welcomed!

From: Jamie Gallian [mailto:jamiegallian@gmail.com]
Sent: Friday, January 18, 2019 8:19 AM
To: Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov>
Subject: Re: Thank you Re: Proof of ownership request Re: Decal LBM1081
Importance: High

I see it thank you so much.

Jamie

On Jan 18, 2019, at 8:17 AM, Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov> wrote:

Hi Ms. Gallian,

I just emailed the title search – let me know if you did not get it.

From: Jamie Gallian [mailto:jamiegallian@gmail.com]
Sent: Friday, January 18, 2019 8:04 AM
To: Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov>
Subject: Thank you Re: Proof of ownership request Re: Decal LBM1081
Importance: High

Thank you kindly.

Jamie Gallian

On Jan 18, 2019, at 7:53 AM, Cruz, Sylvia@HCD <Sylvia.Cruz@hcd.ca.gov> wrote:

Hello Ms. Gallian,

We are working on it right now. I will email the proof to your above

TO (Name and Address): Lisa Ryan 16222 Monterey Lane Space 376 Huntington Beach, CA 92649		LEVYING OFFICER (Name and Address): Orange County Sheriff's Office Sheriff's Civil Division Suite 2 909 N. Main Street Santa Ana, CA 92701
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Orange County Superior Court 700 Civic Center Drive West Santa Ana, CA 92701 Central Justice Center		(714) 569-3700 Fax: (714) 569-2368 California Relay Service Number (800) 735-2929 TDD or 711
PLAINTIFF: Houser Bros Co DEFENDANT: Lisa Ryan	COURT CASE NO.: 30 2018 01013682 CLUDCJC	
Eviction Restoration Notice		LEVYING OFFICER FILE NO.: 2018517508

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

Eviction Date:	3/14/19 12:30 PM
Eviction Address:	16222 Monterey Lane Space 376 Huntington Beach, CA 92649

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC). If the property is valued at less than \$700.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)



Date: 3/14/19

Don Barnes
Sheriff-Coroner

By: J. R. 6252
Sheriff's Authorized Agent

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 03/06/2019

TIME: 08:30:00 AM

DEPT: C61

COMMISSIONER: Carmen Luege

CLERK: Ryan Castillo

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: C. Gonzalez

CASE NO: 30-2018-01013582-CL-UD-CJC CASE INIT. DATE: 08/21/2018

CASE TITLE: Houser Bros. Co. vs. Ryan

CASE CATEGORY: Civil - Limited

CASE TYPE: Unlawful Detainer - Residential

EVENT ID/DOCUMENT ID: 72999194

EVENT TYPE: Ex Parte

MOVING PARTY: Jamie L Gallan

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 03/05/2019

EVENT ID/DOCUMENT ID: 72999195

EVENT TYPE: Ex Parte

MOVING PARTY: Jamie L Gallan

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 03/05/2019

APPEARANCES

Vivienne J. Alston, from Alston, Alston & Diebold Attorneys at Law, present for Plaintiff(s).
Jamie L Gallan, self represented Interested Party, present.

Proceedings recorded electronically.

Ex-Parte application for reconsideration to intervene and TRO to stay writ of possession is requested by Jaime Gallian.

Ex-partie Application is read and considered.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The motion for reconsideration to intervene and TRO to stay writ of possession is GRANTED .

The Court allows Gallian to intervene as to the writ of possession execution in this case. The Court finds there was improper execution as the judgment was against Lisa Ryan and all unknown occupants. On 1/2/2019, Plaintiff filed an unlawful detainer for the premises address in this matter against Jamie Gallian. The Court finds on these facts, Jamie Gallian is NOT an unknown occupant.

The Court orders Plaintiff to place Jamie Gallian back in possession by 5:00 PM today.



SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE
DEPARTMENT C61

HOUSER BROS COMPANY }
PLAINTIFF, }
V. } NO. 30-2018-01013582
LISA RYAN, AN INDIVIDUAL, }
DEFENDANT. }

HONORABLE CARMEN R. LUEGE, JUDGE PRESIDING
REPORTER'S TRANSCRIPT
MARCH 6, 2019

APPEARANCES OF COUNSEL:

FOR PLAINTIFF: ALSTON, ALSTON & DIEBOLD
BY: VIVIENNE J. ALSTON, ESQ.
FOR DEFENDANT: * (NO APPEARANCE.)
FOR INTERESTED PARTY: JAMIE LYNN GALLIAN,
IN PROPRIA PERSONA

PATRICK R. BREZNA, CSR #5288
CERTIFIED REALTIME REPORTER,
REGISTERED PROFESSIONAL REPORTER

1 SANTA ANA, CALIFORNIA - WEDNESDAY, MARCH 6, 2019

2 (MORNING SESSION)

3 (THE FOLLOWING PROCEEDINGS WERE HAD IN
4 OPEN COURT AND ARE BASED ON AN AUDIO
5 RECORDING:)

6 THE COURT: JAMIE GALLIAN.

7 MS. ALSTON: GOOD MORNING.

8 VIVIENNE ALSTON APPEARING ON BEHALF OF THE
9 PLAINTIFFS, HOUSER BROTHERS. I HAVE WITH ME KATHERINE
10 CURTISS, A MEMBER OF HOUSER BROTHERS.

11 THE COURT: ALL RIGHT. THIS CASE IS ELECTRONICALLY
12 RECORDED AND CREATES AN OFFICIAL RECORD OF THE
13 PROCEEDINGS.

14 WHO'S HERE FOR THE PLAINTIFFS?

15 MS. ALSTON: VIVIENNE ALSTON APPEARING ON BEHALF OF
16 THE PLAINTIFFS, HOUSER BROTHERS.

17 THE COURT: GO AHEAD AND STATE YOUR APPEARANCE.

18 JAMIE LYNN GALLIAN: GOOD MORNING, YOUR HONOR.

19 JAMIE GALLIAN.

20 THE COURT: ALL RIGHT. SO DO WE HAVE A TRIAL DATE ON
21 THIS CASE, THE UNLAWFUL DETAINER THAT IS PENDING AGAINST
22 MS. GALLIAN?

23 MS. ALSTON: NO, YOUR HONOR, WE DON'T HAVE A TRIAL
24 DATE.

25 JAMIE LYNN GALLIAN: NO.

26 THE COURT: EXCUSE ME.

1 MS. ALSTON: NO, YOUR HONOR, WE DO NOT HAVE A TRIAL
2 DATE.

3 THE COURT: WHY NOT?

4 MS. ALSTON: BECAUSE SHE ANSWERED WITHIN THE LAST, I
5 THINK, NINE DAYS. WE STILL HAVE DISCOVERY TO GO THROUGH
6 BEFORE A TRIAL DATE IS SET.

7 THE COURT: SO HERE'S MY PROBLEM. I HAVE A TENTATIVE
8 ALREADY IN MIND. AND MY TENTATIVE IS THAT I'M GOING TO
9 STAY EXECUTION OF ANY WRIT IN THIS CASE, IN THIS CASE
10 WHICH IS AGAINST MS. RYAN, NOT AGAINST MS. GALLIAN, THIS
11 DEFENDANT. AND I'M GOING TO ALLOW YOU, BECAUSE I KNOW
12 YOU HAVE A PENDING CASE AGAINST MS. GALLIAN FOR UNLAWFUL
13 DETAINER, TO LITIGATE THAT IN C66.

14 AND THE REASON I SAY THAT, THE WRIT IN THIS
15 CASE WAS AGAINST LISA RYAN. THE WAY THAT -- THAT SHE --
16 THAT MS. GALLIAN GETS INVOLVED IN THIS SITUATION IS THAT,
17 BETWEEN THE PERIOD THAT THE COURT ISSUES JUDGMENT AGAINST
18 RYAN, RYAN SELLS THE PROPERTY TO GALLIAN, OKAY.

19 NOW, ONE OF THE THINGS THAT I THINK IS
20 ENCOURAGED IN CASES INVOLVING MOBILE HOMES IS THAT WHEN
21 THE PERSON WHO OWNS THE MOBILE HOME IS OUSTED FROM THERE,
22 OF THE PARK, IS USUALLY BECAUSE THEY'RE BEHIND IN RENT
23 PAYMENTS ON THE SPACE, OR SOMETIMES FOR OTHER CAUSES
24 BECAUSE YOU HAVE TO HAVE CAUSE FOR A MOBILE HOME REMOVAL.
25 IT'S THE SPACE THAT IS AT ISSUE, NOT THE MOBILE HOME
26 ITSELF. BUT THE MOBILE HOME OFTENTIMES CANNOT BE MOVED,

1 EITHER BECAUSE OF THE EXPENSE PROHIBITS IT, OR BECAUSE
2 MAYBE THE MOBILE HOME PARK DO NOT ACCEPT OLDER MOBILE
3 HOMES. I HAVE HAD EXPERTS IN HERE TESTIFY COST CAN BE IN
4 EXCESS OF \$10,000.

5 AND SO, UH, THE REALITY BECOMES THAT WHAT
6 HAPPENS WHEN YOU SAY, OKAY, THE PLAINTIFF IS ENTITLED TO
7 THE SPACE IN THERE, THE MOBILE HOME CANNOT BE MOVED. AND
8 USUALLY WHAT HAPPENS, OFTEN HAPPENS, IS THAT THE MOBILE
9 HOME PARK, THEY MOVE THE PERSON OUT AND THEY SELL THE
10 PROPERTY THEMSELVES. THAT'S ONE OPTION. THE OTHER
11 OPTION IS GIVING ENOUGH TIME FOR THE OWNER OF THE MOBILE
12 HOME TO SELL.

13 NOW, IN THIS PARTICULAR INSTANCE, WE HAVE AN
14 INTERESTING SITUATION WHICH, BY THE WAY, I HAVEN'T SEEN
15 IT IN THE EIGHT YEARS I'VE BEEN SITTING HERE, WHERE THE
16 ACTUAL MOBILE HOME IS SOLD, PRESUMABLY, IN THE TIME
17 PERIOD THAT IS BETWEEN THE JUDGMENT AND THE EXECUTION OF
18 THE WRIT, WHICH REALLY IS WHAT THE WHOLE FRAMEWORK OF
19 THIS ENCOURAGES; THAT THE HOMEOWNER, THE PRIOR, MS. RYAN,
20 WILL FIND A BUYER AND SELL IT. AND THAT'S EXACTLY WHAT
21 HAPPENED. THAT'S HOW GALLIAN CAME INTO POSSESSION.

22 NOW, I KNOW THAT SHE MADE A MOTION TO INTERVENE
23 BEFORE IT CAME TO THIS DIRE SITUATION WE HAVE NOW. AND
24 AT THE TIME, I DIDN'T WANT HER TO BE INTERVENING BECAUSE
25 THIS CASE HAS REALLY NOTHING TO DO WITH HER, AS FAR AS I
26 CAN TELL. MY THOUGHT WAS THAT ONCE SHE BOUGHT THE

1 PROPERTY, THAT THERE WILL BE A PROCESS. BECAUSE I KNOW
2 THAT PEOPLE ARE ENTITLED TO DUE PROCESS IN THE MOBILE
3 HOME CONTEXT; OTHERWISE, THERE WOULD BE AN ASSESSMENT
4 MADE WHETHER OR NOT SHE'S A GOOD CANDIDATE TO BECOME A
5 MEMBER OF THE PARK.

6 AND THAT'S WHERE MY WHOLE THOUGHT IS AT; THAT
7 AT THE TIME OF THE SITUATION, I DIDN'T THINK -- AND I
8 THINK I MAY HAVE TOLD HER -- I DIDN'T EXPECT THAT THE
9 WRIT THAT I HAD ISSUED IN THIS CASE WOULD BE USED AGAINST
10 ANY OWNER OF THE MOBILE HOME BECAUSE I THOUGHT THAT THERE
11 WOULD BE A PROCESS BY WHICH THE MOBILE HOME PARK WOULD
12 MAKE A DETERMINATION OF WHETHER OR NOT SHE SATISFIES THE
13 REQUIREMENTS THEY HAVE TO BECOME A PARK MEMBER.

14 I GATHERED THAT NOW, FOR WHATEVER REASONS, THE
15 PARK HAS DECIDED THAT SHE'S NOT A GOOD TENANT THERE.
16 THEY DON'T WANT HER AS A TENANT, SO THEY'RE NOT WILLING
17 TO APPROVE. SO NOW WE HAVE A SITUATION WHERE MS. GALLIAN
18 OWNS THE MOBILE HOME, BUT THE PARK IS NOT GIVING HER
19 AUTHORIZATION TO STAY IN THIS SPACE BECAUSE SHE'S NOT A
20 TENANT THAT THEY WANT TO HAVE THERE. THAT'S WHAT I THINK
21 IS HAPPENING HERE.

22 AND I'M OKAY WITH THAT, BUT I'M NOT GOING TO
23 LITIGATE THAT ISSUE HERE. SO I'M STILL ALLOWING HER TO
24 INTERVENE BECAUSE I DON'T THINK IT SHOULD BE LITIGATED
25 HERE. THE ISSUE OF WHETHER OR NOT GALLIAN HAS THE RIGHT
26 TO POSSESSION NEEDS TO BE DETERMINED IN THE CASE THAT IS

1 PENDING IN C66.

2 AND PERHAPS ONE OF THE ISSUES THAT WILL BE
3 LITIGATED THERE IS THE QUESTION OF, ONE, DID SHE ACTUALLY
4 BUY THE PROPERTY; DID SHE BECOME THE OWNER OF THE MOBILE
5 HOME. AND THE SECOND ISSUE IS, MY THOUGHT IS, UNDER THE
6 MOBILE HOME LAW, YOU KNOW, YOU HAVE TO HAVE GOOD CAUSE TO
7 REJECT A TENANT. YOU CANNOT JUST WILLY-NILLY START
8 REJECTING PEOPLE. SO I THINK THAT THERE ARE REGULATIONS
9 AND RULES THAT COME INTO PLAY. AND IT COULD BE LITIGATED
10 IN THE OTHER CASE AGAINST MS. GALLIAN WHETHER THE PARK
11 FOLLOWED CORRECT PROCEDURE, WHETHER, YOU KNOW -- I DON'T
12 KNOW. IT'S OPEN TO LITIGATION, I THINK.

13 SO FOR ALL THOSE REASONS, I THINK IT WOULD BE
14 PREMATURE AT THIS MOMENT TO SAY MS. GALLIAN NEEDS TO BE
15 EVICTED ON THE WRIT ISSUED IN THIS CASE BECAUSE WE
16 ALREADY KNOW THAT, IN SHORT NOTICE, YOU'RE GOING TO HAVE
17 A TRIAL IN HER CASE. AND I THINK THAT JUDGE HONER WAS
18 RIGHT WHEN SHE SAID THAT SHE COULD STOP EXECUTION OF THE
19 WRIT I ISSUED, BECAUSE I ISSUED IT IN THIS MATTER.

20 BUT I HAVE THE DISCRETION, ON THESE FACTS, I
21 THINK, TO STAY EXECUTION OF THIS WRIT AGAINST MS. GALLIAN
22 AS AN UNKNOWN OCCUPANT, WHICH IS THE ONLY WAY YOU GUYS
23 CAN GET HER OUT BECAUSE SHE IS NOT A NAMED DEFENDANT.
24 BUT EVEN AS AN UNKNOWN OCCUPANT, I HAVE THE DISCRETION TO
25 STOP THAT AND GIVE HER THE OPPORTUNITY TO GIVE HER THE
26 TRIAL THAT SHE'S ENTITLED TO HAVE.

1 THOSE ARE MY THOUGHTS. THAT'S MY TENTATIVE.

2 MS. ALSTON: YOUR HONOR, FIRST OF ALL, I WANT TO MAKE
3 SURE THE COURT IS AWARE THAT THE WRIT HAS BEEN EXECUTED.

4 THE COURT: NO. I KNOW.

5 MS. ALSTON: OKAY.

6 THE COURT: I'M AWARE. BUT I'M GOING TO PUT IT BACK,
7 WHICH IS RARE, BUT...

8 MS. ALSTON: AND I DON'T THINK --

9 THE COURT: IT'S A RARE CASE IN MANY WAYS, BECAUSE I
10 DON'T UNDERSTAND --

11 MS. ALSTON: BUT --

12 THE COURT: CAN I SAY WHAT I DON'T UNDERSTAND?

13 IF YOU HAVE A CASE AGAINST MS. RYAN, AND YOU
14 KNOW THAT RYAN SOLD THE PROPERTY TO GALLIAN, I DON'T
15 UNDERSTAND WHY YOU'RE TRYING TO EXECUTE THIS WRIT THAT'S
16 ISSUED IN THIS CASE. AND THE PROBLEM IS THAT YOU DON'T
17 THINK THAT GALLIAN QUALIFIES, THEN I THINK IT'S --

18 MS. ALSTON: WE DON'T BELIEVE THAT SHE QUALIFIES,
19 YOUR HONOR --

20 THE COURT: I UNDERSTAND. BUT --

21 MS. ALSTON: -- AND WE WILL FIGHT THAT OUT AS TO
22 POSSESSION OF THE PROPERTY BY THE OCCUPATION OF
23 THE MOBILE HOME. HOWEVER, WE EXECUTED THE WRIT AGAINST
24 MS. GALLIAN AS AN UNKNOWN OCCUPANT. THIS COURT ALLOWED
25 IT.

26 THE COURT: NO, NO. THIS COURT -- NO, NO, I DID NOT

1 I ALLOW IT. WHAT IT WAS IS, SHE COULDN'T INTERVENE WHEN
2 I THOUGHT THERE WOULD BE A PROCESS. I -- I -- I DID NOT
3 EXPECT -- PART OF THE PROBLEM IS THAT EVEN AT THE TIME
4 THAT YOU EXECUTED IT, BECAUSE IT WAS AFTER THE HEARING,
5 SHE'S NOT EVEN AN UNKNOWN OCCUPANT AT THE TIME. SHE IS A
6 KNOWN OCCUPANT. IN FACT, YOU WENT AND FILED THE OTHER
7 CASE.

8 SO THAT'S WHY I DON'T THINK THAT THE SHERIFF
9 CAN EXECUTE AN UNKNOWN OCCUPANT WRIT IN THIS CASE AGAINST
10 WHAT NOW IS A KNOWN OCCUPANT. AND AT THE TIME OF THE
11 EXECUTION OF THE WRIT, SHE IS A KNOWN OCCUPANT, NOT AN
12 UNKNOWN ONE. AND YOU ALREADY HAVE ACKNOWLEDGED THAT
13 BECAUSE YOU HAVE FILED THE CASE AGAINST HER AS A KNOWN
14 OCCUPANT IN THE U.D. YOU FILED AGAINST MS. GALLIAN.

15 MS. ALSTON: I BELIEVE THAT SHE IS AN OWNER OCCUPANT,
16 YOUR HONOR. I MEAN, WE HAD -- BUT SHE HAS OBTAINED
17 POSSESSION OF THE PROPERTY THROUGH MS. RYAN, PLACED HER
18 IN POSSESSION OF THE HOME, AND --

19 THE COURT: WHO SOLD THE HOME TO HER?

20 MS. ALSTON: BUT THE SALE OF THE HOME DOES NOT GIVE
21 HER ANY POSSESSORY RIGHTS OF THE LAND.

22 THE COURT: NO, NOT OF THE LAND. BUT THAT'S WHY I
23 MADE THE PREMISE I MADE, BECAUSE IN THE CONTEXT OF MOBILE
24 HOME LAW, ONCE THE PERSON'S GOING TO BUY THE PROPERTY,
25 THERE'S A PROCESS THAT SHE HAS TO BE AN ACCEPTABLE
26 TENANT. I UNDERSTAND THAT. AND I SAID TO THE TENANT, "I

1 UNDERSTAND THAT." THAT HAS TO BE LITIGATED IN THIS
2 PARTICULAR CASE.

3 BECAUSE, THINK ABOUT IT. I DON'T KNOW HOW MANY
4 TIMES I DO MOBILE HOME UNLAWFUL DETAINER CASES WHERE WHAT
5 I'M ENCOURAGING THE DEFENDANT TO DO IS TO ACTUALLY DO
6 WHAT THE DEFENDANT DID HERE. BECAUSE THAT'S THE WHOLE
7 GOAL. I THINK YOU SELL IT, AND PART OF THE MONEY IS USED
8 TO COVER WHATEVER IS OWED, AND THEN THE OTHER NEW PERSON
9 BECOMES THE NEW TENANT IN THE PARK. I MEAN, THAT'S THE
10 IDEAL SITUATION. I DON'T KNOW WHY YOU'RE DOING THAT
11 HERE, BUT I DON'T WANT TO LITIGATE THAT HERE.

12 MS. ALSTON: WELL, IT DIDN'T WORK HERE BECAUSE --
13 WELL, IT DIDN'T WORK HERE, YOUR HONOR, BECAUSE THEY
14 DIDN'T FOLLOW THE STIPULATED JUDGMENT. THE STIPULATED
15 JUDGMENT HAD A LIST OF THINGS -- OF TERMS THAT THEY WERE
16 PROVISIONS THEY WERE SUPPOSED TO FOLLOW IN THE SALE, AND
17 THEY COMPLETELY BREACHED THOSE.

18 THE COURT: "THEY" WHO; MS. RYAN?

19 MS. ALSTON: MS. RYAN AND MS. GALLIAN.

20 THE COURT: WELL, MS. GALLIAN IS NOT A PARTY TO THAT
21 AGREEMENT.

22 MS. ALSTON: BUT SHE WAS BUYING IT FROM MS. RYAN.

23 THE COURT: I KNOW. BUT --

24 MS. ALSTON: AND GOES FOR --

25 THE COURT: BUT SHE -- NO. BUT SHE'S NOT AN OWNER
26 OCCUPANT.

1 MS. ALSTON: I THINK THAT SHE IS, YOUR HONOR. AND I
2 THINK PRACTICALLY -- I MEAN, I'VE NOT BRIEFED IT, AND I
3 DON'T HAVE CASES AND STATUTES THAT I CAN POINT TO IN THIS
4 ISSUE BEFORE THE COURT --

5 THE COURT: WHAT ISSUES?

6 MS. ALSTON: THE ISSUE OF OWNER OCCUPANCY.

7 THE COURT: WELL, IF THE ISSUE OF UNKNOWN OCCUPANT IS
8 NOT BEFORE THE COURT, I DON'T UNDERSTAND, BECAUSE THE
9 ONLY WAY THAT THE PLAINTIFF IN YOUR CASE GETS TO EXECUTE
10 THIS WRIT AGAINST MS. GALLIAN IS BECAUSE OF THE
11 NONOCCUPANT.

12 MS. ALSTON: YES.

13 THE COURT: THE ISSUE WAS AGAINST RYAN.

14 MS. ALSTON: YES, AND ALL UNKNOWN OCCUPANTS.

15 THE COURT: THEN YOU'RE SAYING SHE IS AN UNKNOWN
16 OCCUPANT?

17 MS. ALSTON: WHAT I'M SAYING IS THAT I DON'T HAVE A
18 BRIEF TO PRESENT TO THIS COURT BECAUSE I WASN'T AWARE
19 THAT THIS WAS GOING TO BE THE WAY THE COURT WAS GOING TO
20 MOVE. AND IT WASN'T IN THE DOCUMENTS, SO IT'S TAKEN ME A
21 LITTLE BIT UNAWARE.

22 HOWEVER, WHAT THE COURT IS CONTEMPLATING IS
23 THAT ANYTIME THIS PERSON WHO IS GIVEN A JUDGMENT -- GETS
24 A JUDGMENT, THAT THEY CAN SIMPLY TRANSFER THE UNIT OVER
25 TO -- WHETHER IT'S AN APARTMENT, MOBILE HOME OR R.V., OR
26 WHATEVER IT IS THAT THEY HAVE THAT IS LOCATED ON THE

1 PROPERTY, AND THEN TAKE THE -- THE PERSON TAKES
2 POSSESSION OF THE UNIT, AND THEN THE WRIT CAN'T BE
3 EXECUTED.

4 THE COURT: YOU MEAN, AS TO THAT PERSON. NO. THAT'S
5 MY WHOLE POINT.

6 MS. ALSTON: I DON'T BELIEVE THE LAW WORKS THAT WAY,
7 YOUR HONOR, BECAUSE THIS IS NEVER-ENDING POSSESSION OR
8 OCCUPATION THAT PREVENTS THE PLAINTIFF FROM OBTAINING
9 POSSESSION OF THE PROPERTY.

10 THE COURT: I AM CONCERNED ABOUT IT -- AND I
11 UNDERSTAND YOUR POINT -- BUT I'VE DONE THIS FOR YEARS.
12 SO IT'S UNCOMMON, FIRST, SO I'M TRYING TO ADDRESS ALL
13 FUTURE OCCUPATION PROBLEMS. I'M ONLY TRYING TO ADDRESS
14 THE PROBLEMS IN THIS PARTICULAR CASE ON THESE PARTICULAR
15 FACTS.

16 WHAT I UNDERSTAND IS THAT GALLIAN BOUGHT THE
17 PROPERTY FROM RYAN. AND I WANT TO EMPHASIS THAT. IT'S
18 NOT RYAN BROUGHT SOME OTHER PERSON TO LIVE WITH HER. MY
19 UNDERSTANDING IS, RYAN MOVED OUT, AND SORT OF ANTICIPATED
20 BY THE STIPULATION, RYAN SOLD THE PROPERTY, ALL RIGHT,
21 THE MOBILE HOME TO GALLIAN. AND NOW KNOWING THAT, WHAT
22 I'M BEING ASKED TO SAY IS, IT'S OKAY TO USE THE WRIT IN
23 THIS CASE AGAINST GALLIAN AS AN UNKNOWN OCCUPANT. THAT'S
24 THE PROBLEM I HAD.

25 MY ANALYSIS SIMPLY SAYS TO ME, I AM NOT GOING
26 TO DO THAT BECAUSE GALLIAN DOES -- IF I DID THAT, GALLIAN

1 DOES NOT GET TO LITIGATE THE QUESTION OF WHETHER THE
2 HOME -- MOBILE HOME PARK IS CORRECT IN SAYING THAT SHE
3 DOESN'T QUALIFY. I DON'T KNOW WHETHER SHE -- I DON'T
4 KNOW WHETHER SHE QUALIFIES.

5 BUT I DO KNOW THIS IN MY HEAD: I WANT TO BE
6 SURE THAT GALLIAN'S RIGHT TO LITIGATE WHETHER OR NOT,
7 WHETHER OR NOT SHE QUALIFIES TO BE A TENANT AT THE PARK,
8 BECAUSE THERE ARE PROVISIONS IN THE MOBILE HOME PARK THAT
9 HAVE TO BE FOLLOWED TO DENY THAT. I WANT TO BE SURE
10 THAT'S -- THAT SHE HAS A PLACE TO ARGUE THAT. NOW, I
11 DON'T KNOW WHETHER MS. GALLIAN'S GOING TO WIN OR NOT, BUT
12 WHAT I WANT IS TO CREATE A PROCESS THAT DOES NOT
13 IMPEDE -- THAT DOES NOT INTERFERE WITH HER ABILITY TO
14 LITIGATE THAT ISSUE.

15 AND IF YOU'RE RIGHT THAT MS. GALLIAN DOESN'T
16 QUALIFY, THEN I'M ASSUMING YOU'RE GOING TO WIN THE CASE
17 ACROSS THE HALL. AND IF YOU'RE WRONG AND THE JUDGE FINDS
18 THAT SHE DOES QUALIFY, THEN MAYBE SHE GETS TO CONTINUE TO
19 BE IN POSSESSION.

20 AND THIS IS PARTICULARLY IMPORTANT IN MOBILE
21 HOME PARK SITUATIONS BECAUSE OF THE SPECIAL CIRCUMSTANCES
22 THAT I JUST FINISHED EXPLAINING THAT APPLIES TO MOBILE
23 HOMES, WHICH IS THE REASON WHY THE LEGISLATURE IMPOSES SO
24 MANY REGULATIONS ON THE WAY YOU CAN EVICT, ON THE WAY
25 THAT -- YOU KNOW, IT'S SORT OF LIKE A WHOLE DIFFERENT
26 SYSTEM PARALLEL TO THE REGULAR EVICTION STATUTES THAT ARE

1 MUCH MORE ONEROUS AND COMPLICATED. I THINK THAT THAT'S
2 MOTIVATED BY WANTING TO PROTECT OWNERS IN MOBILE HOME
3 PARKS.

4 SO THAT'S ALL I WANT, TO BE SURE -- I WANT TO
5 BE SURE SHE GETS A SHOT. AND I DON'T THINK THERE'S ANY
6 HUGE DETRIMENT TO THE PLAINTIFF BECAUSE SHE'S IN THE
7 PARK, YOU ALREADY HAVE FILED THE CASE, SO THAT'S PENDING.
8 I NOTICE THAT THERE IS AN ANSWER. AND I NOTICE --
9 BRIEFLY I WAS LOOKING TO SEE IF THERE WAS A TRIAL IN THE
10 OTHER CASE. I THINK THERE'S NO TRIAL, BUT WE KNOW THAT
11 WITHIN 21 DAYS OF YOU'RE MAKING YOUR REQUEST, YOU'RE
12 GOING TO HAVE A TRIAL DATE. SO I THINK THIS IS ALL GOING
13 TO GET RESOLVED VERY PROMPTLY IN THE OTHER CASE.

14 NOW, I'M LIMITING MY RULING ACCORDING TO THIS.
15 I'M NOT TRYING TO GO ACROSS THE BOARD BECAUSE I COULD
16 IMAGINE THAT SOMEONE COULD DO WHAT YOU JUST DESCRIBED,
17 WHICH IS ABUSE THE PROCESS, RIGHT. SOMEBODY WHO IS AN
18 ILL-INTENDED TENANT COULD BE GOING FOR POSSESSION, AND
19 THEN YOU SAY THEY'RE NOT OWNER OCCUPANTS. I GET THAT.
20 SO I AM NOT TRYING TO COME UP HERE WITH A RULING THAT'S
21 GOING TO BE APPLYING ACROSS THE BOARD BECAUSE THAT IS NOT
22 MY INTENT AT ALL. THIS IS VERY FACT-SPECIFIC IN WHAT I
23 THINK IS A HIGHLY UNUSUAL CASE BECAUSE I HAVEN'T SEEN IT
24 HAPPEN BEFORE.

25 MS. ALSTON: THIS HAS BEEN LITIGATED, YOUR HONOR.
26 MS. GALLIAN BROUGHT A T.R.O., AND IT WAS GRANTED. THEY

1 WENT THROUGH A PRELIMINARY INJUNCTION. AND AT THE
2 PRELIMINARY INJUNCTION, THE COURT MADE A RULING AS TO HER
3 RIGHT TO POSSESSION, AND IT DETERMINED THAT SHE DIDN'T
4 HAVE ANY.

5 THE COURT: I JUST SAID -- I READ THE RULINGS, BY THE
6 WAY. THE PROBLEM THAT I WASN'T SATISFIED WITH IS WHETHER
7 OR NOT SHE GOT TO LITIGATE THE QUESTION OF WHETHER THERE
8 HAD BEEN COMPLIANCE WITH THE REGULATIONS OF MOBILE HOME
9 PARKS, AND WHETHER SHE WAS A TENANT THAT MET THE
10 REQUIREMENTS OF THE PARK SO THAT THEY COULD NOT --

11 MS. ALSTON: SHE DID.

12 THE COURT: THAT'S NOT APPARENT FROM THE
13 MOVING PAPERS. THAT'S WHAT I HAVE. AND IF I DID HAVE
14 THAT, THEN THE CASE NEXT DOOR IS GOING TO BE EVEN FASTER
15 BECAUSE IN THE CASE NEXT DOOR, YOU'RE GOING TO HAVE
16 COLLATERAL ESTOPPEL, AND YOU'RE GOING TO BE ABLE TO SAY,
17 "OH, THIS AS ALREADY LITIGATED, SO WE DON'T HAVE TO
18 LITIGATE IT."

19 MS. ALSTON: I THINK THE COURT DID ADDRESS IT. IT'S
20 THERE, YOUR HONOR. BUT I DO BELIEVE IT IS THERE WHEN IT
21 SAYS THAT MS. GALLIAN'S POSSESSION OF THE SUBJECT MOBILE
22 HOME WAS NEVER AUTHORIZED BY THE DEFENDANT, AND SHE IS,
23 IN ESSENCE, A SQUATTER.

24 THE COURT: EXCUSE ME. I'M GOING TO TAKE ISSUE WITH
25 THAT. I DON'T KNOW WHETHER THAT MEANS THAT SHE BECAME
26 THE OWNER WITHOUT THE PERMISSION. AND I UNDERSTAND

1 THAT -- HOWEVER, I DON'T KNOW IF SHE GOT TO LITIGATE
2 WHETHER THE PERMISSION WAS RIGHTFULLY OR WRONGFULLY
3 DENIED. AND IT SEEMS TO ME THAT, IN THE CONTEXT OF
4 ISSUING A TEMPORARY RESTRAINING ORDER OR NOT, THAT
5 PROBABLY WOULDN'T BE THE BEST FORUM TO DO THAT. SHE
6 PROBABLY NEEDS TO GO TO TRIAL.

7 BUT YOU DON'T HAVE TO CONVINCE ME OF THAT
8 BECAUSE, AGAIN, THIS IS A SHORT DELAY. IF YOU'RE RIGHT,
9 YOU'RE GOING TO GET A WRIT RIGHT ACROSS THE DOOR FROM
10 HERE IN THAT COURTROOM WHEN YOU LITIGATE IT. AND IF YOU
11 BELIEVE IT WAS LITIGATED, AND YOU BELIEVE YOU ALREADY
12 HAVE A RULING ON THAT ISSUE, THEN YOU CAN ARGUE THAT WITH
13 JUDGE HONER. BUT ALL I WANT TO DO IS STOP THIS
14 PROCESS -- IN MY CASE, THAT'S ALL I CARE, IS TO GIVE
15 MS. GALLIAN THE FULL OPPORTUNITY TO ARGUE WHETHER SHE HAS
16 THE RIGHT TO POSSESSION IN THE CASE THAT YOU ALREADY
17 FILED.

18 MS. ALSTON: I WOULD LIKE TO REQUEST THAT THE COURT
19 TAKE JUDICIAL NOTICE OF THE RULINGS MADE IN FRONT OF
20 JUDGE BAUER. AND THE CASE NUMBER IS -- I THINK I HAVE
21 THE CASE NUMBER ON THE MINUTE ORDER.

22 THE COURT: I TAKE JUDICIAL NOTICE OF THE CASES IN
23 THE ORANGE COUNTY SUPERIOR COURT.

24 MS. ALSTON: BUT SHE DID HAVE --

25 THE COURT: WHAT IS IT THAT YOU'RE LOOKING AT?

26 MS. ALSTON: I'M LOOKING AT MY DOCUMENTS, YOUR HONOR,

1 WHICH IS WHAT I QUOTED.

2 THE COURT: I HAVE SEEN IT. I JUST WANT TO BE SURE I
3 KNOW WHAT I'M LOOKING AT, OKAY.

4 MS. ALSTON: BUT, YOUR HONOR --

5 THE COURT: WAIT A MINUTE. I THINK YOU DID HAVE AN
6 ORDER. SO THE MINUTE ORDER BY JUDGE BAUER ISSUED
7 1/4/2019 -- WHICH, BY THE WAY, THE OTHER WAY I HAVE OF
8 LOOKING AT THIS --

9 JAMIE LYNN GALLIAN: I HAVE A COPY OF IT, YOUR HONOR,
10 IF YOU WANT TO SEE IT.

11 THE COURT: -- WHICH, YOU KNOW, AGAIN, PRIOR TO
12 EXECUTION OF THE WRIT, WHICH MEANS, IF ANYTHING, THAT BY
13 THE EXECUTION OF THE WRIT, IT JUST MEANS, BECAUSE OF HER
14 EFFORTS, SHE IS AN UNKNOWN OCCUPANT. I'M STILL CONCERNED
15 ABOUT THAT.

16 BUT I DON'T EVEN HAVE TO GO ON THAT POINT. I'M
17 NOT TRYING TO GO ON THAT POINT, EITHER. I JUST WANT YOU
18 TO UNDERSTAND, ALL I'M GOING TO DO IS STAY PROCEEDINGS
19 BASED ON MY WRIT TO SEE WHAT HAPPENS IN THE CASE IN FRONT
20 OF JUDGE HONER, AND THEN WE'LL SEE WHERE WE'RE AT.

21 MS. ALSTON: THE POINT I WANTED TO MAKE, SHE DID HAVE
22 AN ATTORNEY PRESENT, AND IT WAS LITIGATED. THE COURT DID
23 HAVE A NUMBER OF DECLARATIONS REGARDING EXPRESSLY
24 EXPLAINING ALL OF THE REASONS THAT HER APPLICATION WAS
25 DENIED. SO THAT HAD TO COME BEFORE A JUDGE, THAT HAS
26 BEEN RULED UPON BY A JUDGE.

1 THE COURT: I DON'T UNDERSTAND.

2 WHAT IS THE DETRIMENT OF JUST, LIKE -- THIS IS
3 GOING TO GET RESOLVED WITHIN THE NEXT 30 DAYS. IF YOU
4 RIGHT NOW GO DOWNSTAIRS AND YOU ASK FOR THAT TRIAL, YOU
5 GET A TRIAL IS WITHIN 30 DAYS. I DON'T UNDERSTAND.

6 WHAT IS THE DETRIMENT?

7 I'M TRYING TO UNDERSTAND.

8 IF I SAY THAT SHE'S IN POSSESSION OF THIS
9 MOBILE HOME WHILE THE OTHER CASE IS BEING LITIGATED, WHAT
10 IS THE DETRIMENT?

11 MS. ALSTON: THERE ARE A NUMBER OF DETRIMENTS. FIRST
12 OF ALL, SHE'S HARASSING THE NEXT-DOOR NEIGHBORS, SHE'S
13 ATTACHING FENCING TO THAT PROPERTY, AND THEY'RE HAVING
14 FIGHTS OVER THAT AND SCREAMING MATCHES OVER THAT. THERE
15 IS A T.R.O. IN PLACE AGAINST MS. GALLIAN WHERE SHE IS NOT
16 SUPPOSED TO COME WITHIN --

17 THE COURT: THERE'S A T.R.O. OF HOW FAR?

18 MS. ALSTON: THREE HUNDRED FEET.

19 JAMIE LYNN GALLIAN: TEN YARDS, MA'AM. AND IT WAS
20 FROM A PREVIOUS, UH -- THE MOBILE HOME PARK SHARES THE
21 SAME SECURITY GATE WITH ANOTHER COMMUNITY THAT I SOLD MY
22 PROPERTY. I LIVED THERE FOR OVER TEN YEARS, AND IT WAS
23 TEN YARDS T.R.O. OF A BOARD MEMBER. TEN YARDS IS 30
24 FEET, SO IT HAS NOTHING TO DO WITH THIS CASE. IT'S NO
25 VIOLENCE, NO NOTHING, RIGHT?

26 MS. ALSTON: WELL, THE T.R.O. HAS BEEN GRANTED. THE

1 INJUNCTION, IT'S A FIVE-YEAR INJUNCTION TO STAY AWAY OVER
2 THAT ISSUE.

3 JAMIE LYNN GALLIAN: SHE FILED IT ON --

4 THE COURT: WHAT'S THE ISSUE?

5 MS. ALSTON: IT WAS APPROXIMATELY SIX, EIGHT WEEKS
6 AGO, YOUR HONOR.

7 THE COURT: WHAT TYPE OF CASE IS THAT?

8 JAMIE LYNN GALLIAN: IT'S RIGHT ACROSS AT JUDGE
9 HONER'S.

10 MS. ALSTON: IT WAS SHERRI HONER'S COURT, YOUR HONOR.

11 THE COURT: WAS THAT A CIVIL HARASSMENT CASE?

12 MS. ALSTON: YES, IT WAS A CIVIL HARASSMENT CASE.
13 THERE WERE TWO -- EVERY TIME THAT SHE'S IN -- GOES
14 THROUGH THE GATE, SHE VIOLATES THAT T.R.O.

15 JAMIE LYNN GALLIAN: NO, THAT IS NOT TRUE, MA'AM.

16 MS. ALSTON: AND SHE HAS A CRIMINAL CASE PENDING
17 AGAINST HER AS WELL FOR VIOLATIONS OF ANOTHER T.R.O.
18 AGAINST A YOUNG CHILD.

19 SO THESE ARE CONTINUING HARASSMENTS THAT ARE
20 ONGOING. SO THE DETRIMENT IS THAT SHE'S VIOLATING A
21 T.R.O., SHE'S HARASSING HER NEIGHBORS. I UNDERSTAND THAT
22 THIS WILL BE HAPPENING QUICKLY, BUT SHE HAS THE COURT'S
23 CONCERN THAT SHE HASN'T HAD AN OPPORTUNITY TO PRESENT HER
24 CASE TO THE COURT AND DETERMINE WHETHER OR NOT HER
25 OCCUPATION IS PROPER BECAUSE SHE WAS NOT APPROVED HAS
26 BEEN LITIGATED AND HAS BEEN ADJUDGED BY THE COURT.

1 THE COURT HAS HAD --

2 THE COURT: WHEN DID YOU FILE THE OTHER CASE?

3 MS. ALSTON: THE OTHER CASE WAS FILED --

4 THE COURT: THE CASE, MA'AM?

5 JAMIE LYNN GALLIAN: JANUARY 2ND.

6 MS. ALSTON: YOUR HONOR, IT WAS JANUARY.

7 THE COURT: JANUARY 2ND?

8 MS. ALSTON: I DON'T KNOW THE DATE.

9 JAMIE LYNN GALLIAN: JANUARY 2ND, YOUR HONOR. IT WAS
10 SERVED FEBRUARY 5TH ON ME. I HAVE IT RIGHT HERE, YOUR
11 HONOR, IF YOU'D LIKE TO SEE IT.

12 (PAUSE IN PROCEEDINGS.)

13 THE COURT: THAT'S WHAT I MEAN. THAT'S MY WHOLE
14 PROBLEM WITH THIS CASE. SHE'S NOT AN UNKNOWN OCCUPANT.
15 THAT'S THE PROBLEM. SO I'M STILL BACK TO THIS PROBLEM.
16 ON JANUARY 2ND, YOU FILED THE CASE. YOU KNOW SHE'S IN
17 POSSESSION. AND SHE TOOK POSSESSION UNDER COLOR OF SOME
18 RIGHTS BECAUSE SHE BOUGHT THE PROPERTY. AND YOU KNEW IN
19 ORDER -- IN ORDER -- THE ONLY WAY THE WRIT IN THIS CASE
20 AGAINST RYAN GETS TO BE EXECUTED AGAINST GALLIAN IS IF
21 SHE IS AN UNKNOWN OCCUPANT.

22 AND WHEN THAT WRIT IS EXECUTED, SHE IS NOT AN
23 UNKNOWN OCCUPANT. YOU HAVE FILED AN UNLAWFUL DETAINER ON
24 JANUARY 2ND, WHICH MEANS TO ME SHE'S NOT AN UNKNOWN
25 OCCUPANT. I AM NOT -- I -- THE BEST I CAN DO HERE IS,
26 I'M PRETTY SURE I CAN RULE HERE THAT THE WRIT HERE IS NOT

1 EFFECTIVE, WHICH I THINK I'M ABOUT TO DO, OR I CAN JUST
2 SAY IT'S WAITING FOR PROCEEDINGS NEXT DOOR.

3 BUT I WILL NOT HAVE THIS PERSON EVICTED UNDER
4 THE UMBRELLA OF AN UNKNOWN OCCUPANT WHEN YOU FILED AN
5 UNLAWFUL DETAINER ON JANUARY 2ND. AND BY THEN, SHE'S NO
6 LONGER AN UNKNOWN OCCUPANT. SO BY THE TIME THIS GETS
7 EXECUTED, SHE'S NOT AN UNKNOWN OCCUPANT. I THINK THAT'S
8 A LOGICAL ISSUE OF WHAT AN UNKNOWN OCCUPANT IS. A
9 NONOCCUPANT IS, THEY OPEN THE DOOR AND FIND FIVE PEOPLE
10 LIVING THERE; THEY ONLY HAVE THE NAME OF RYAN. THEY
11 DON'T HAVE THE FIVE PEOPLE TO GET OUT. THAT'S NOT WHAT
12 HAPPENED IN THIS CASE. THAT'S NOT HERE BEFORE ME.

13 MS. ALSTON: YOUR HONOR, I DO BELIEVE THAT SHE
14 QUALIFIES AS AN OWNER OCCUPANT. I DO BELIEVE THAT MY
15 CONCERNS -- AND I KNOW THE COURT DOESN'T WANT TO RULE ON
16 THIS MATTER, BUT AGAIN, IT'S A CONCERN IF ONE PERSON
17 SAYS, "I'M GOING TO BE LOCKED OUT. I'M GOING TO PUT
18 ANOTHER PERSON IN." AND --

19 THE COURT: IF YOU WANT TO LITIGATE -- IF YOU'RE
20 ASKING ME TO LITIGATE WHETHER OR NOT SHE'S AN UNKNOWN
21 OCCUPANT, SURE, WE CAN HAVE A BRIEFING SCHEDULE. I JUST
22 THINK THE SOONER YOU GET OVER THERE, THE SOONER THIS CASE
23 GETS DONE. I DON'T WANT TO HAVE AN ISSUE THAT STAYS --
24 WHICH SAYS THAT THE STAY IS GOING TO BE BEYOND THE COURT
25 RULES IN THIS UNLAWFUL DETAINER, OR IF YOU WANT TO
26 LITIGATE WHETHER OR NOT YOU CAN EXECUTE A WRIT AGAINST

1 THIS PARTICULAR INDIVIDUAL AS AN UNKNOWN OCCUPANT, YOU
2 CAN GIVE ME -- COME UP WITH A BRIEFING SCHEDULE. BUT YOU
3 GET TIME, SHE GETS TIME, BECAUSE THIS GOES TO THAT.

4 JAMIE LYNN GALLIAN: YOUR HONOR, I HAVE ONE MORE
5 THING.

6 MS. ALSTON: YOUR HONOR, I AM CONCERNED. I DON'T
7 WANT TO MAKE PEOPLE -- YOU KNOW, I DON'T WANT TO
8 UNNECESSARILY EXPEND ATTORNEYS' FEES FOR MY CLIENT. IF
9 THE COURT IS NOT GOING TO EXECUTE THE WRIT AT THIS TIME,
10 I THINK IT WOULD BE BEST FOR US TO PROCEED. I DO,
11 HOWEVER, HAVE GRAVE CONCERNS THAT THIS COURT IS
12 OVERRULING JUDGE BAUER'S DECISION THAT'S BEEN LITIGATED.

13 THE COURT: IT'S NOT MY INTENT TO OVERRULE ANYBODY.
14 IN FACT, I DON'T HAVE THE POWER TO OVERRULE ANYBODY. I
15 ONLY HAVE THE POWER TO MAKE AN ASSESSMENT ABOUT THIS
16 PARTICULAR CASE.

17 MS. ALSTON: THAT'S WHAT'S HAPPENING. AND I JUST
18 WANT TO PRESENT THAT TO THE COURT.

19 THE COURT: I'M NOT OVERRULING JUDGE BAUER. I THINK
20 HE FOUND THAT THE INJUNCTIVE RELIEF WAS NOT AVAILABLE IN
21 THAT OTHER CASE. I'M NOT RULING ON THAT HERE. I DON'T
22 EVEN KNOW THE IN'S AND OUT'S OF THAT.

23 MY RULING IS SIMPLY THAT, IN THIS -- AND I AM
24 GOING TO RULE ON IT. IN THIS PARTICULAR CASE WHEN THE
25 CASE WAS FILED, JAMIE GALLIAN WAS NOT A DEFENDANT. ONLY
26 LISA RYAN WAS A DEFENDANT. LISA RYAN EXECUTED THE

1 STIPULATION. THE STIPULATION CONTEMPLATED HER TO STAY IN
2 THE MOBILE HOME. THE MOBILE HOME -- LISA RYAN VACATED
3 THE PROPERTY PURSUANT TO THE STIPULATION; THE MOBILE HOME
4 WAS SOLD TO JAMIE GALLIAN.

5 MS. ALSTON: SHE DID NOT VACATE ON A TIMELY BASIS.

6 THE COURT: I DON'T WANT TO ARGUE THAT, AND THAT'S
7 NOT BEFORE ME. SO PER THE STIPULATION, JAMIE GALLIAN
8 PURCHASED THE PROPERTY FROM MS. RYAN AND MOVED INTO THE
9 MOBILE HOME THAT MS. RYAN USED TO OCCUPY. AND ON JANUARY
10 2ND, 2019, THE PLAINTIFF IN THIS CASE, HOUSER BROTHERS,
11 FILED AN UNLAWFUL DETAINER AGAINST MS. GALLIAN,
12 PRESUMABLY BECAUSE THEY BELIEVE THAT SHE DOESN'T QUALIFY
13 TO BE A PARK TENANT. AND THEY MAY HAVE OTHER REASONS FOR
14 THAT. THAT'S NOT BEFORE THIS COURT.

15 WHAT IS BEFORE THIS COURT IS THAT AFTER FILING
16 THAT UNLAWFUL DETAINER IN CASE NUMBER 2019-01041423,
17 AFTER FILING THAT UNLAWFUL DETAINER, THE PLAINTIFFS HAVE
18 SOUGHT TO EXECUTE IN THIS CASE A WRIT THAT WAS ISSUED IN
19 THIS CASE -- IN THE CASE THAT I'M PRESIDING OVER -- WHICH
20 IS 3582.

21 AND THE COURT FINDS THAT THAT'S NOT A PROPER
22 EXECUTION OF THE WRIT. AND IT'S GOING TO ALLOW
23 MS. GALLIAN TO INTERVENE FOR THE PURPOSE OF CHALLENGING
24 THE EXECUTION OF THE WRIT AGAINST HER, WHICH HAD NOT
25 OCCURRED, BACK IN JANUARY WHEN SHE TRIED TO INTERVENE.
26 AT THAT POINT, SHE DIDN'T HAVE ANY INTEREST IN THE CASE.

1 AT THIS POINT, BECAUSE PLAINTIFF CHOSE TO EXECUTE THE
2 WRIT AGAINST MS. GALLIAN, SHE NOW HAS THE RIGHT TO
3 INTERVENE.

4 SO THE COURT HAS CONSIDERED THE MOTION THAT SHE
5 WAS NOT PROPERLY EVICTED IN THIS CASE, BASED ON THIS
6 CASE. AND THE COURT IS GOING TO RULE THAT THAT WAS
7 IMPROPER EXECUTION OF THE WRIT, THE WRIT THAT WAS ISSUED
8 BY MY COURT. THE WRIT ISSUED WAS CASE NUMBER 01013852 --
9 THE CASE IN FRONT OF ME -- AGAINST LISA RYAN.

10 AND THE ONLY WAY THAT JAMIE GALLIAN WOULD BE
11 EVICTED WITH THAT WRIT, YOU KNOW, THE COURT FINDS THAT
12 SHE'S NOT AN UNKNOWN OCCUPANT WHEN THE WRIT WAS EXECUTED,
13 BECAUSE PLAINTIFF ALREADY KNEW THAT SHE WAS TRYING TO
14 INTERVENE TO STOP EVICTION ON THIS WRIT. AND, IN FACT,
15 THEY -- THERE HAD BEEN A PRIOR RULING ON THE INJUNCTIVE
16 RELIEF IN A SEPARATE CASE IN WHICH PLAINTIFFS WERE
17 WELL-AWARE SHE'S NOT A NONOWNER OCCUPANT AND PURCHASED
18 THE PROPERTY -- THE MOBILE HOME -- FROM MS. RYAN.

19 AND THEY FILED THEIR OWN UNLAWFUL DETAINER
20 AGAINST MS. GALLIAN JANUARY 2ND. AND WHEN THEY EXECUTED
21 THAT WRIT A FEW DAYS AGO -- YESTERDAY, I THINK -- WHEN
22 THEY EXECUTED THE WRIT, MS. GALLIAN WAS NOT AN UNKNOWN
23 OCCUPANT. AND THAT WRIT DID NOT EXTEND TO HER. FOR THAT
24 REASON, THE COURT IS GOING TO HOLD THAT THE PARK HAS
25 MS. GALLIAN BACK IN POSSESSION OF THE MOBILE HOME.

26 THE ISSUE OF WHETHER OR NOT SHE'S A TENANT THAT

1 QUALIFIES UNDER PARK RULES TO BECOME A PERMANENT TENANT
2 OF THE PARK, THAT IS GOING TO BE LITIGATED IN THE CASE
3 PENDING UNDER CASE NUMBER 2019-01041423. SO THE
4 LITIGATION WILL CONTINUE.

5 AND THIS RESULT, TO THE COURT, IS NOT ONLY TO
6 THE EXTENT BECAUSE OF THE RULINGS I MAKE, BUT IT ALSO
7 PROTECTS MS. GALLIAN'S DUE PROCESS RIGHTS TO LITIGATE THE
8 QUESTION OF WHETHER OR NOT THE PARK PROPERLY EXERCISED
9 ITS DISCRETION IN DECIDING THAT SHE WAS NOT A PROPER
10 TENANT. SHE GETS TO LITIGATE THAT.

11 SO FOR ALL THOSE REASONS, THE COURT ORDERS THE
12 PARK TO RETURN POSSESSION BY --

13 CAN YOU DO IT BY 5:00 P.M. TODAY?

14 MS. ALSTON: YES, YOUR HONOR.

15 THE COURT: SO THE ORDER IS THAT POSSESSION IS
16 RETURNED TO MS. GALLIAN BY 5:00 P.M. TODAY.

17 ALL RIGHT. THIS IS GOING BACK TO COUNSEL, AND
18 THIS IS GOING BACK TO THE DEFENDANT. AND I'M DONE WITH
19 THIS CASE. THANK YOU VERY MUCH.

20 (PROCEEDINGS CONCLUDED.)

21

22

23

24

25

26

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.

I, PATRICK R. BREZNA, CSR NO. 5288, CERTIFIED
REALTIME REPORTER, REGISTERED PROFESSIONAL REPORTER, DO
HEREBY CERTIFY THAT THE FOREGOING REPORTER'S TRANSCRIPT IS
A FULL, TRUE AND CORRECT TRANSCRIPTION OF MY SHORTHAND
NOTES THEREOF, AND A FULL, TRUE AND CORRECT STATEMENT OF
THE PROCEEDINGS HAD IN SAID CAUSE BASED ON AN ELECTRONIC
RECORDING SUBMITTED TO ME BY JAMIE LYNN GALLIAN.

DATED AT ORANGE, CALIFORNIA, THIS 7TH DAY OF
SEPTEMBER, 2020.



PATRICK R. BREZNA, CSR NO. 5288,
CERTIFIED REALTIME REPORTER,
REGISTERED PROFESSIONAL REPORTER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 W. Civic Center DRIVE MAILING ADDRESS: 700 W. Civic Center DRIVE CITY AND ZIP CODE: Santa Ana 92701 BRANCH NAME: Central Justice Center		FOR COURT USE ONLY FILED SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE
PLAINTIFF: Houser Bros. Co.		
DEFENDANT: Jamie Gallian		
SHORT TITLE: HOUSER BROS. CO. VS. GALLIAN		
NOTICE OF DISMISSAL		CASE NUMBER: 30-2019-01041423-CL-UD-CJC

Date: 08/05/2019

Judicial Officer: Sherri Honer

On the Court's own motion, case dismissed pursuant to the Superior Court of California, County of Orange local rules.

Clerk of the Court

Dated: 08/05/2019

By Debra Lamm Deputy Clerk

NOTICE OF DISMISSAL

Page: 1

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<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE Central Justice Center 700 W. Civic Center DRIVE Santa Ana 92701</p>	
<p>SHORT TITLE: HOUSER BROS. CO. VS. GALLIAN</p>	
<p>CLERK'S CERTIFICATE OF SERVICE BY MAIL</p>	<p>CASE NUMBER: 30-2019-01041423-CL-UD-CJC</p>

I certify that I am not a party to this cause. I certify that a true copy of the above NOTICE OF DISMISSAL has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. The certification occurred at Santa Ana, California on 08/05/2019. Following standard court practice the mailing will occur at Sacramento, California on 08/06/2019.

Clerk of the Court, by: Debra Hamm, Deputy

JAMIE GALLIAN
16222 MONTEREY LANE # 376
HUNTINGTON BEACH, CA 92647

ALSTON, ALSTON & DIEBOLD ATTORNEYS AT LAW
27201 PUERTA REAL # 300
MISSION VIEJO, CA 92691

LAW OFFICE OF CASELLO & LINCOLN
525 N CABRILLO PARK DRIVE # 104
SANTA ANA, CA 92701

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Page: 2

18.516407. 3 of 3



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- * The laws of a specific state will consider these funds to be "abandoned" if the Cashier's Check is not cashed by a certain time
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 - In most cases, the funds will be considered "abandoned" before the "Void After" Date
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 - We may not re-issue or refund the funds after the stop payment has been placed until 90 days after the original check was issued
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08/23/2019

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Remitter: J-SANDCASTLE CO, LLC

**Pay To The
Order Of:** HOUSER BROS CO.
SP. 376 11-1-18-8-30-19 **\$** 10,860.00 ****

Memo: _____
Note: For information only. Comment has no effect on bank's payment.

Drawer: **JPMORGAN CHASE BANK, N.A.**
NON NEGOTIABLE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jamie Gallian, in pro per 16222 Monterey Lane, Space 376 Huntington Beach, CA 92647		CIV-110 FOR COURT USE ONLY
TELEPHONE NO.: 714-321-3449 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Jamie Gallian		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center		
PLAINTIFF/PETITIONER: Katherine Curtiss et al. DEFENDANT/RESPONDENT: Jamie Gallian		
REQUEST FOR DISMISSAL <input type="checkbox"/> Personal Injury, Property Damage, or Wrongful Death <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <input type="checkbox"/> Family Law <input type="checkbox"/> Eminent Domain <input checked="" type="checkbox"/> Other (specify): Wrongful Eviction		CASE NUMBER: 30-2019-01052642-CU-WE-CJC

- A conformed copy will not be returned by the clerk unless a method of return is provided with the document. -

1. TO THE CLERK: Please dismiss this action as follows:
 - a. (1) With prejudice (2) Without prejudice
 - b. (1) Complaint (2) Petition
 - (3) Cross-complaint filed by (name): _____
 - (4) Cross-complaint filed by (name): _____
 - (5) Entire action of all parties and all causes of action
 - (6) Other (specify): _____

on (date):
on (date):

2. (Complete in all cases except family law cases.)

Court fees and costs were waived for a party in this case. (This information may be obtained from the clerk. If this box is checked, the declaration on the back of this form must be completed).

Date: August 30, 2019

Jamie Gallian, in pro per

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

Attorney or party without attorney for:

Plaintiff/Petitioner Defendant/Respondent
 Cross - complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**
Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

Attorney or party without attorney for:

Plaintiff/Petitioner Defendant/Respondent
 Cross - Complainant

(To be completed by clerk)

4. Dismissal entered as requested on (date): _____
5. Dismissal entered on (date): _____ as to only (name): _____
6. Dismissal not entered as requested for the following reasons (specify): _____

7. a. Attorney or party without attorney notified on (date): _____
- b. Attorney or party without attorney not notified. Filing party failed to provide
 a copy to be conformed means to return conformed copy

Date: _____ Clerk, by _____, Deputy

Form Adopted for Mandatory Use
Judicial Council of California
CIV-110 (Rev. July 1, 2008)

REQUEST FOR DISMISSAL

Legal
Solutions
& Plus

Code of Civil Procedure, § 581 et seq.;
Gov. Code, § 68837(c); Cal. Rules of Court, rule 3.1390

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**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

MINUTE ORDER

DATE: 08/31/2020

TIME: 01:30:00 PM

DEPT: C62

JUDICIAL OFFICER PRESIDING: Kimberly A. Knill

CLERK: K. Gates

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: None, Ashlee Wilson

CASE NO: 30-2019-01041423-CL-UD-CJC CASE INIT.DATE: 01/02/2019

CASE TITLE: Houser Bros. Co. vs. Gallian

CASE CATEGORY: Civil - Limited

CASE TYPE: Unlawful Detainer - Residential

EVENT ID/DOCUMENT ID: 73329504

EVENT TYPE: Order to Show Cause re: Dismissal

MOVING PARTY: Houser Bros. Co.

CAUSAL DOCUMENT/DATE FILED: Complaint, 01/02/2019

APPEARANCES

Vivienne Alston, from Alston, Alston & Diebold Attorneys at Law, present for Plaintiff(s).

James Casello, from Casello & Lincoln, present for Defendant(s).

Remote hearing held.

Plaintiff informs the Court possession is still at issue.

Oral motion by Plaintiff to reclassify case to unlimited is heard.

The Court grants the motion to reclassify case to be heard with Plaintiff's Motion for Terminations of Sanctions set for 09/10/2020 at 1:30 PM in Department C62.

Order to Show Cause re: Dismissal continued to 10/28/2020 at 01:30 PM in this department pursuant to Court's motion.

Please take notice that the scheduled hearing is a Remote Court Hearing.

Parties and witnesses MUST NOT personally appear at the courthouse. Instead, parties and witnesses MUST appear remotely.

Before your hearing date, please visit the Court's website to review the Remote Hearing Instructions.

1. Visit the Court's website at www.occourts.org
2. Click on the COVID-19 button.
3. Scroll down to the blue buttons and click on the Civil button to see the Remote Hearing Instructions.
4. Click the Remote Hearing Instructions button to open the document.
5. If you or your witnesses do not have access to the internet or cannot follow the Remote Hearing Instructions, you MUST call (657) 622-8513 as soon as possible.

Court orders Clerk to give notice.

DATE: 08/31/2020

DEPT: C62

MINUTE ORDER

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Calendar No.

